

The Honorable James L. Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEONTAI BERRY, and
SHANNON MCCALL,

Defendants.

NO. CR19-230 JLR

JOINT STATUS REPORT

Status Conference: 8/4/20 at 9:30 a.m.

The United States of America, by and through Brian T. Moran, United States Attorney for the Western District of Washington, and Jessica M. Manca, Assistant United States Attorney for said District, Defendant Leontai Berry, by and through his defense attorney, Cathleen Gormley, and Defendant Shannon McCall, by and through her defense attorney, Christopher Carney, respectfully submit this joint status report in advance of the telephonic status conference currently scheduled for August 4, 2020, at 9:30 a.m..

I. PROCEDURAL HISTORY

On November 7, 2019, a grand jury in the Western District of Washington returned a 10-count Indictment charging Mr. Berry and Ms. McCall with a straw purchasing conspiracy in violation of the Gun Control Act. Dkt. 1. Both defendants had an initial appearance on November 13, 2019, and a trial date was set for January 21, 2020. Dkt. 13, 15, 21. Both defendants have been released on appearance bonds pending trial. Dkt. 21, 23.

On December 27, 2019, the Court granted each defendant's stipulated motion to continue the trial date to June 22, 2020, and found that the time period between the filing of the parties' motions¹ and June 22, 2020, was excludable under the Speedy Trial Act. Dkt. 32, 33.

On April 23, 2020, the Court granted the parties' joint motion to vacate the trial date pursuant to Chief Judge Martinez's General Order 07-20 regarding the COVID-19 pandemic. Dkt. 44. The Court set a status conference for July 2, 2020, and found that the time period between the filing of the parties' joint motion and July 2, 2020, was excludable under the Speedy Trial Act. *Id.*

On May 19, 2020, the Court issued a minute order continuing the status hearing from July 2, 2020, to August 10, 2020, and found that the time period between July 2, 2020, and July 31, 2020, was excludable under the Speedy Trial Act. Dkt. 46. The Court then advanced the hearing to its currently scheduled date of August 4, 2020.

II. SPEEDY TRIAL CALCULATIONS

As to Mr. Berry, the time between December 19, 2019, and July 31, 2020, has been found excluded under the Speedy Trial Act. Based on Chief Judge Martinez's General Order 11-20, which extends the Seattle courthouse closure through September 8, 2020, the time period from July 31, 2020, through September 8, 2020, should also be excluded. Accordingly, government has calculated Mr. Berry's current speedy trial expiration as October 12, 2020.²

As to Ms. McCall, the time between December 20, 2019, and July 31, 2020, has been found excluded under the Speedy Trial Act. Based on Chief Judge Martinez's General Order 11-20, which extends the Seattle courthouse closure through September 8, 2020, the time period from July 31, 2020, through September 8, 2020, should also be excluded.

¹ Mr. Berry filed his motion to continue trial on December 19, 2019, and Ms. McCall filed her motion to continue trial on December 20, 2019. Dkt. 28, 30.

² Thirty-six (36) days elapsed between November 13, 2019, and December 19, 2019, leaving thirty-four (34) days remaining.

Accordingly, government has calculated Ms. McCall's current speedy trial expiration as October 13, 2020.³

III. PROPOSED TRIAL DATES

Given the current uncertainty surrounding the public health situation, the nature of the charges, and the defendants' out-of-custody status, the parties agree that it is appropriate to set a trial date in 2021. The parties agree that the ends of justice ordered by such a continuance outweighs the interests of the public and either defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A).

IV. TRIAL ESTIMATES

The parties estimate that trial will take approximately five days, including jury selection. Absent any stipulations, government anticipates calling approximately five to seven witnesses and offering approximately thirty to forty exhibits.

DATED this 3rd day of August, 2020.

Respectfully submitted:

BRIAN T. MORAN
United States Attorney

/s/ Jessica M. Manca
JESSICA M. MANCA
Assistant United States Attorney
United States Attorney's Office

/s/ Cathleen Gormley (per approval)
CATHLEEN GORMLEY
Counsel for Leontai Berry

/s/ Christopher Carney (per approval)
CHRISTOPHER CARNEY
Counsel for Shannon McCall

³ Thirty-seven (37) days elapsed between November 13, 2019, and December 20, 2019, leaving thirty-three (33) days remaining.